

## **DIVISION 11. RESERVED\***

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**\*Editor's note:** An ordinance adopted in November, 1994, repealed § 13-236, which comprised Ch. 13, Art. II, Div. 11. Former § 13-236 pertained to certificates of occupancy for tenement houses containing three or more housing units and derived from Code 1970, § 13-13.01 and Ord. of 4-82.

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Secs. 13-236--13-250. Reserved.

## **ARTICLE III. CONDOMINIUM CONVERSIONS\***

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**\*Cross references:** Commission on human rights and opportunities, § 2-191 et seq.

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### **Sec. 13-251. Determination of moving and relocation expenses.**

Pursuant to the provisions of section 47-88d of the general statutes (an act concerning condominium conversion and the encouragement of new rental housing) the city sets the amount of moving and relocation expenses to be paid to each household eligible under that section as follows: Two (2) months' rent or one thousand dollars (\$1,000.00).

(Ord. of 10-80)

Secs. 13-252--13-259. Reserved.

## **ARTICLE IV. PENALTIES**

### **Sec. 13-260. Violation of chapter.**

Any person who shall violate any provision of this chapter, may, upon conviction, be punished by a fine of not more than ninety dollars (\$90.00) and/or by imprisonment for not more than thirty (30) days and each day's failure to comply with any such provision shall constitute a separate violation.

(Ord. of 1-89; Ord. No. 28269-2, 11-18-04)

## **Chapter 14 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS\***

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**\*Cross references:** Amusements activities license required, § 5-16 et seq.; mechanical amusement device license required, § 5-53 et seq.; licensing and registration of dogs required, § 6-17; pigeon trapping permits, § 6-36; building permit fees, § 7-1; permit required for moving

of buildings in streets, § 7-26 et seq.; fees for fire prevention bureau inspections and permits, § 8-35; license to deal in, manufacture or process food or drink required, § 10-14; license to operate an eating establishment, § 10-36 et seq.; license required for self-service food or beverage vending machine, § 10-53 et seq.; license required to collect and transport trash, § 11-51 et seq.; temporary trash hauling license, § 11-53 et seq.; alarm systems users permit § 16-41 et seq; permit required for carrying weapons, § 16-76; permit for use of park required, § 17-37; inland wetlands permit, § 19-35; conducting business in streets prohibited, § 21-14; license requirements for contractors engaged in sidewalk construction business, § 21-73; permit required for street excavation, § 21-86; approval required for building permits for construction of buildings abutting on proposed streets required, § 21-166; building inspectors certification required for issuance of permit for connection to water or sewer system, § 23-1, dye test of sewer laterals required prior to issuance of certificate of occupancy, § 23-25; license for sewer contracting, § 23-28; sanitary sewer connection permit, § 23-41 et seq.; special permit required for water closets and cellar § 23-56; permit required for discharge of certain wastes to sewer system, § 23-69; rates and charges for sewer service, § 23-91 et seq.; license and registration of taxicab operators required, § 24-16.

**State law references:** Auctioneer's licenses, G.S. §§ 21-1--21-5; itinerant vendors' licenses, G.S §§ 21-27--21-35; junk dealers' licenses; package store permits, G.S. § 30-20; pawnbrokers, G.S. §§ 21-39--21-47; peddlers, G.S. §§ 21-36--21-38; regulation of vending machines G.S. § 21a-43.

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- Art. I. In General, §§ 14-1--14-20
  - Art. II. Dry Cleaning Establishments, §§ 14-21--14-40
  - Art. III. Going Out of Business and Fire Sales, §§ 14-41--14-60
  - Art. IV. Reserved, §§ 14-61--14-80
  - Art. V. Junkyards, §§ 14-81--14-105
    - Div. 1. Generally, §§ 14-81--14-90
    - Div. 2. License, §§ 14-91--14-105
  - Art. VI. Massage Establishments, §§ 14-106--14-145
    - Div. 1. Generally, §§ 14-106--14-120
    - Div. 2. Licenses and Permits, §§ 14-121--14-145
  - Art. VII. Merchants, §§ 14-146--14-165
  - Art. VIII. Self-Service Laundries, §§ 14-166--14-185
  - Art. IX. Reserved, §§ 14-186--14-210
  - Art. X. Itinerant Vendors, §§ 14-211--14-235
  - Art. XI. Weights and Measures, §§ 14-236--14-244
  - Art. XII. Bazaars and Raffles, §§ 14-245--14-254
  - Art. XIII. Dance Halls, § 14-255
  - Art. XIV. Public Swimming Pools, Wading Pools, Whirlpools, Spas, Daycare Centers and Nonpublic Schools, §§ 14-256--14-259
  - Art. XV. Adult-Oriented Establishments, §§ 14-260--14-299
  - Art. XVI. Prohibited Business Practices, §§ 14-300--14-380
  - Art. XVII. New Britain Tattooing/Piercing Code, §§ 14-381--14-392

## **ARTICLE I. IN GENERAL**

### **Sec. 14-1. Required licenses and permits.**

- (a) No person shall engage in any activity for which a license or permit is required by this Code without first having secured a license or permit, as required, from the city.
- (b) Nothing contained in this chapter shall be construed to exempt any person from securing

any other license or from paying any other license tax which may be authorized and imposed by the general statutes of the state or any other ordinance or regulation of the city.

(Code 1970, § 14-1)

**Sec. 14-2. Clerk to issue licenses and maintain records.**

The clerk shall be the city licensing officer and shall issue all licenses, except where otherwise provided and collect all fees therefor as required by the state statutes and the city ordinances. The licensing officer, in a special book provided for the purpose, shall keep a record of:

- (1) All licenses issued by him;
- (2) The name of the licensee;
- (3) The date of issuance of the license;
- (4) Its purposes; and,
- (5) The location or place the license is to be used.

(Code 1970, § 14-2)

**Sec. 14-3. Licensing inspector to assist other city officials.**

The licensing inspector shall furnish the sealer of weights and measures, chief of police, and other city officials with any information they may require at any time for the enforcement of the license ordinances.

(Code 1970, § 14-3)

**Sec. 14-4. Inspection or supervision fees payable due to work on weekends or holidays.**

In addition to any license or permit fees required by ordinance or by rules or regulations of a department of the city, any person, who shall perform work on a Saturday, Sunday, legal holiday or any other day when city departments are not working, shall pay to the city or the appropriate department thereof any extra cost for inspection or supervision of such work by the city or department on such day.

(Code 1970, § 14-9)

**Sec. 14-5. Vendors, etc., not to have exclusive right to specific location; operation not to impede public.**

No peddler, vendor or solicitor shall have an exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operation might impede, endanger or inconvenience the public.

(Code 1970, § 7-69; Ord. of 10-76)

Secs. 14-6--14-20. Reserved.

## **ARTICLE II. DRY CLEANING ESTABLISHMENTS**

### **Sec. 14-21. Definitions.**

As used in this article:

*Class A dry cleaning and dyeing establishment* shall include all dry cleaning and dyeing establishments using power for cleaning purposes, having washing or dry cleaning machines which require storage tanks for cleaning fluids, or requiring the storage of more than one gallon of cleaning fluid for the purpose of cleaning, dyeing or sponging of clothing, feathers, fur or any other textile.

*Class B dry cleaning establishment* shall include any person advertising as carrying on the business of dry cleaning or dyeing, or acting as an agent for such purposes or not requiring in his business of dry cleaning or dyeing more than one gallon of cleaning fluid on the premises at any time.

*Dry cleaning and dyeing business* shall mean the business of cleaning, sponging or dyeing cloth, clothing, feathers, fur or any sort of fabrics or textiles by the use of carbon bi-sulphide, gasoline, naphtha, benzol stoddard solvent, benzine or other light petroleum or tar products or inflammable liquids, or cleaning, sponging or dyeing by processes known as dry cleaning and dyeing where inflammable volatile substances are used.

*Sponging* shall mean the removal of dirt, grease, or any other form of foreign matter from clothing, feathers, fur or any sort of fabrics or textiles by local application of inflammable liquid.

(Code 1970, § 7-14)

**Cross references:** Definitions and rules of construction generally, § 1-2.

### **Sec. 14-22. Inapplicability of article to certain establishments.**

Any dry cleaning establishment or commercial laundry in existence on September 21, 1960, shall not be subject to the provisions of this article if the fire marshal certifies that the cleaning fluids used therein are not inflammable. Any retail tailoring establishment using less than one gallon of gasoline or other cleaning fluid in carrying on its business shall be exempt from the provisions of this article; provided, such gasoline or cleaning fluid is stored in an approved container.

(Code 1970, § 7-15)

### **Sec. 14-23. Existing establishments; compliance; discontinuance; plant expansion; damage.**

- (a) All persons engaged in class A dry cleaning businesses on September 21, 1960, shall be required to comply with all the provisions of this article and, in addition, shall:
  - (1) Close all sewer connections and all holes in the floors in dry cleaning rooms;

- (2) Make such floors free from pits and pockets;
- (3) Take such measures to eliminate all nuisances caused by smoke and fumes from cleaning fluids to the satisfaction of the fire chief and the board of health.
- (b) *Discontinuance of ninety (90) days.* In the event any dry cleaning or dyeing business is discontinued for a period of ninety (90) days, such business shall be made to conform to all the provisions of this article before it is reopened.
- (c) *Expansion of plant.* Where expansions or additions are made to any dry cleaning or dyeing plant, such expansion or addition shall be so constructed as to conform to all the provisions of this article.
- (d) *Fifty (50) per cent fire damage.* In the event any structure or room now used as a dry cleaning room, is more than fifty (50) per cent damaged by fire and if such use is continued, such room shall be made to conform to all the provisions of this article.

(Code 1970, § 7-16)

#### **Sec. 14-24. Enforcement.**

The building commission, the fire chief and his deputies and assistants, and the director of health shall enforce the provisions of this article, and shall report any violation thereof to the prosecuting attorney.

(Code 1970, § 7-17)

#### **Sec. 14-25. License--Required.**

No person shall conduct, or advertise as conducting the business of dry cleaning or dyeing, or use or cause to be used, or erect a building for the purpose of carrying on the dry cleaning or dyeing business without first obtaining a license therefor from the building commission, countersigned by the fire chief.

(Code 1970, § 7-18)

#### **Sec. 14-26. Same--Application; fees.**

- (a) An applicant for a license under this article shall file a written application signed by him on blanks furnished by the building commission.
- (b) The following shall be the schedule of fees to be paid when an application for license is filed hereunder:
  - (1) *Class A license*, fifty dollars (\$50.00) per year.
  - (2) *Class B license*, fifty dollars (\$50.00) per year.

(Code 1970, § 7-19; Ord. of 10-88, § 1)

#### **Sec. 14-27. Same--expiration date; renewal; fees.**

Any license issued under this article shall expire on June first of each year. Such license may be renewed by the holder thereof upon presentation of proof to the building department

and fire chief that the business is being conducted in accordance with the provisions of this article, and upon proof to the director of health that there is no nuisance caused by smoke or toxic fumes. License renewal fees shall be fifty dollars (\$50.00) for class A dry cleaning establishments and twenty-five dollars (\$25.00) for class B establishments. The license shall be signed by the building inspector, the fire chief and the director of health.

(Code 1970, § 7-20; Ord. of 4-90, § 7)

#### **Sec. 14-28. Same--Revocation; notice; hearing.**

The building commission and the fire chief, acting jointly, may revoke any license issued under this article for the violation of any provision of this article upon giving the licensee ten (10) days' notice. The licensee shall have an opportunity to be heard upon filing an application therefor within such ten (10) day period. After the hearing provided for herein, the building commission and the fire chief, acting jointly, may revoke the license if such action is deemed to be in the best interests of the city, and such decision shall be final and conclusive.

(Code 1970, § 7-21)

Secs. 14-29--14-40. Reserved.

### **ARTICLE III. GOING OUT OF BUSINESS AND FIRE SALES\***

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**\*Cross references:** Fire prevention and protection, Ch. 8.

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#### **Sec. 14-41. Definitions.**

As used in this article, the following words and phrases shall have the meanings indicated in this section:

*Fire sale* shall mean a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged by fire, smoke, water or other means.

*Going out of business sale* shall mean a sale held out in such a manner as to reasonably cause the public to believe that upon disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of administrator's; benefit of creditors; benefit of trustees; building coming down; closing; creditors' committee; creditor's; end; executor's; final days; forced out; forced out of business; insolvents' last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's; trustee's; quitting business.

*Goods* shall mean any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

(Code 1970, § 7-32)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 14-42. License--Required for conducting.**

No person shall sell or offer to sell any goods at a sale to be advertised or held out by any means to be either a going out of business sale or fire sale without first obtaining a license for such sale from the city license officer.

(Code 1970, § 7-33)

#### **Sec. 14-43. Same--Requirements and restrictions on obtaining.**

- (a) *Established business required for a license; exception.* No person shall be granted a license required by this article who has been the owner of a business advertised or described in the application for a license hereunder for a period of less than twelve (12) months prior to the date of the proposed sale. An exception shall be recognized in the case of survivors of a late businessman and upon the death of such a person doing business in this city, his or her heir, devisees or legatees shall have the right to apply at any time for a going out of business or fire sale license.
- (b) *Restricted location.* Where a person applying for a license operates more than one place of business, the license issued shall apply only to the one store, or branch specified in the application and no other store or branch shall advertise or represent that it is operating with it, or in any way participating in the licensed sale, advertise or represent that any other store or branch is operating with it or participating in any way in the licensed sale.
- (c) *Persons exempted.* The provisions of this article shall not apply to or affect the following persons:
  - (1) Persons acting pursuant to an order or process of a court of competent jurisdiction.
  - (2) Persons acting in accordance with their powers and duties as public officials.
  - (3) Any publisher of a newspaper, magazine, or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character or without knowledge of the fact that the provisions of this article have not been observed.

(Code 1970, § 7-34)

#### **Sec. 14-44. Same--Contents of application; fee; fire department approval.**

- (a) *Written information required.* License applications for going out of business and fire sales shall be made to the license officer and shall contain the following information:
  - (1) The name and address of the owner of the goods to be the object of the sale.
  - (2) The name and address of the person from whom he purchased the goods to be sold and the price therefor, and, if not purchased, the manner of such acquisition.
  - (3) A description of the place where such sale is to be held.
  - (4) The nature of the occupancy, whether by lease or sublease and the effective

date of termination of such occupancy.

- (5) The dates of the period of time in which the sale is to be conducted.
  - (6) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted.
  - (7) The means to be employed in advertising such sale together with the proposed content of any advertisement.
  - (8) A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Such inventory shall be attached to and become part of the required application.
- (b) *Fee.* Any applicant for a license under this article shall submit to the city license officer with his application a license fee of twenty-five dollars (\$25.00).
- (c) *Certification of approval by fire department.* Each application under this article for a fire sale license shall include a fire certification signed by the chief engineer of the fire department. The certification shall note the date of the fire in the premises concerned.

(Code 1970, § 7-35)

#### **Sec. 14-45. Same--Terms and limitations.**

A license shall be issued under this article on the following terms:

- (1) *Licensing period.* The license shall authorize the sale described in the application for a period of not more than fifty (50) consecutive days, Sundays and legal holidays excluded, following the issuance thereof and such license so granted may not be renewed, nor shall a new license for the same sale be issued.
- (2) *Nature of sale.* The license shall authorize only one type of sale described in the application at the location named therein.
- (3) *Saleable goods.* The license shall authorize only the sale of goods described in the inventory attached to the application.
- (4) *Surrender of general license.* Upon being issued a license hereunder for a going out of business sale the licensee shall surrender to the clerk all other business licenses he may hold at that time applicable to the location and goods covered by the application for a license under this article.
- (5) *Nontransferability.* Any license herein provided for shall not be assignable or transferable.

(Code 1970, § 7-36)

#### **Sec. 14-46. Inventory restrictions.**

- (a) *Bona fide orders.* All goods in the inventory filed with a license application under this article shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.
- (b) *Goods purchased for sale hereunder.* Such inventory shall not include goods ordered in



contemplation of conducting a sale regulated hereunder. Any unusual purchase, or additions to the stock of goods of the business hereby affected within thirty (30) days before the filing of an application for a license under this article shall be deemed to be of such character.

(Code 1970, § 7-35(a)(8)(aa), (bb))

#### **Sec. 14-47. Duties of licensee; applicability of section.**

(a) A licensee under this article shall:

- (1) *Adhere to inventory.* Make no additions whatsoever during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.
- (2) *Advertise properly.* Refrain from employing any untrue, deceptive or misleading advertising.
- (3) *Adhere to advertising.* Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- (4) *Keep duplicate inventory.* Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.
- (5) *Segregate noninventoried goods.* Keep any other goods separate and apart from the listed in the filed inventory as being of sale and shall make such distinction clear to the public by placing tags on inventoried goods in and about the place sale apprising the public of the status of all such goods.

(b) This section shall apply only to fire and/or altered goods.

(Code 1970, § 7-37)

#### **Sec. 14-48. Taxes and assessments to be paid prior to issuance of license.**

All taxes or municipal assessments due the city on the goods to be sold at the going out of business sale or fire sale for which such license is issued, shall be paid in full before such license is issued.

(Code 1970, § 7-38)

Secs. 14-49--14-60. Reserved.

#### **ARTICLE IV. RESERVED\***

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**\*Editor's note:** An ordinance enacted Sept. 1, 1999, repealed Ch. 14, Art. IV, substantive provisions of which consisted of §§ 14-61--14-66. Said article pertained to home improvement businesses and derived from Code 1973, §§ 7-39--7-44; and an ordinance adopted in Oct., 1988.

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Secs. 14-61--14-80. Reserved.

## **ARTICLE V. JUNKYARDS\***

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**\*Cross references:** Garbage, trash and refuse, Ch. 11.

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### **DIVISION 1. GENERALLY**

Secs. 14-81--14-90. Reserved.

### **DIVISION 2. LICENSE**

#### **Sec. 14-91. Required.**

No person shall operate a junkyard within the city limits without a license issued by the mayor. No such license shall be issued or renewed unless the junkyard has been inspected and approved by the building department, fire department, health department and board of public works, and such approval has been reported in writing to the mayor.

(Code 1970, § 7-45)

#### **Sec. 14-92. Term; fee; renewal; revocation.**

- (a) *Term.* The term of each junkyard license shall be for a period of one year beginning on February first and ending at midnight on January thirty-first of the following year.
- (b) *Initial fee and renewal.* A fee of one hundred dollars (\$100.00) shall be paid to the license committee for the original license and a fee of fifty dollars (\$50.00) for each renewal thereof.
- (c) *Revocation.* Any violation of this article shall be, in addition to any penalty provided for in this Code, sufficient cause for revocation of such license by the council upon recommendation of the license committee, after a public hearing by such committee upon charges of such violation.

(Code 1970, § 7-46; Ord. of 10-88, § 3)

#### **Sec. 14-93. Standards required for issuance.**

No person shall be licensed to operate a junkyard unless such junkyard conforms to the following standards:

- (1) *Enclosure.* All junkyards shall be completely enclosed, except for such areas as may be approved by the licensing committee for entrance, exit and loading and unloading purposes. The enclosure shall consist of fencing to a height of not less than eight (8) feet or more than ten (10) feet above grade level constructed

according to the following specifications:

- (a) Chain link fencing attached to steel poles of a minimum of two (2) inches in diameter, buried to a depth sufficient to enable the construction to withstand lateral wind pressure and frost heave. Screening of the chain link fencing shall be provided by the installation of vinyl slats weaved through the chain links. Vinyl slats shall be of earth tone colors to effectively provide screening and to be aesthetically pleasing; or
  - (b) One-inch by six-inch .40 pressure treated lumber attached to .40 treated two (2) inch by four (4) inch cross braces. Braces shall be spaced no more than two (2) feet on center and shall be firmly attached to four-inch by four-inch .60 pressure treated posts, cedar posts or two-inch diameter steel posts, buried to a depth sufficient to enable the construction to withstand lateral wind pressure and frost heave.
- (2) *Maintenance of fences.* All such fences shall be kept in good repair. All fences erected prior to June 1, 1960, upon replacement, shall conform to the standards set forth in paragraph (a) of this section.
  - (3) *Storage of junk.* No junk shall be piled to a height exceeding the height of the fence surrounding it in any junkyard. No junk shall be stored within one thousand (1,000) feet of any street line, or within two hundred fifty (250) feet of any adjoining property line, or within twenty-five (25) feet of any dwelling house; provided, however, that these distance requirements shall not apply to junkyards existing prior to June 1, 1960.

(Code 1970, § 7-47; Ord. of 6-94)

Secs. 14-94--14-105. Reserved.

## **ARTICLE VI. MESSAGE ESTABLISHMENTS\***

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**\*Cross references:** Offenses and miscellaneous provisions, Ch 16; police, Ch. 20.

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### **DIVISION 1. GENERALLY**

#### **Sec. 14-106. Definitions.**

For the purpose of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section:

*Employee.* Any and all persons, other than the massagists, who render any service to the permittee, who have no physical contact with customers and clients.

*Massage.* Any method of pressure on, or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptic, oils, powders, creams, lotions,

ointments, salts, or other similar preparations commonly used in this practice.

*Massage establishment.* Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any of the activities pertaining to massage.

*Massagist.* Any person who engages in the practice of massage for any amount or form of consideration.

*Recognized school.* Any school or institution of learning which has for its purpose the teaching of the theory, the method, profession or work of massage, which school requires a resident course of study of not less than seventy (70) hours to be given in not more than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(Code 1970, § 12-21(2); Ord. of 9-78)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Sec. 14-107. Operating requirements.**

- (a) Every portion of a massage establishment, including appliances, apparatus and personnel shall be kept clean and operated in a sanitary condition.
- (b) All employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment. Provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (c) All employees and massagists must be modestly attired. Diaphanous, flimsy, transparent, form-fitting or tight clothing is prohibited. Clothing must cover each employee's and massagist's chest at all times.
- (d) Private parts of patrons must be covered by towels, cloth or undergarments when in the presence of any employee or massagist. Any contact with a patron's genital area is prohibited.
- (e) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved manner.
- (f) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- (g) No massage establishment granted a permit under the provisions of this article shall place, publish, or distribute or cause to be placed, published or distributed any advertising material that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available other than those services as described in section 14-106 of this article, or that employees or massagists are dressed in any manner other than as described in paragraph (c) of this section; nor shall any massage establishment indicate in the text of such advertising that any services are available other than those services described in section 14-106.

- (h) Health services enumerated in section 14-106 of this article must be carried on in one cubicle, room, booth or area within the massage establishment. No service enumerated in the definition of massage in section 14-106 of this article may be carried on in any cubicle, room, booth or area except where such cubicle, room, booth or area has doors or walls so that all activity within a cubicle, room, booth or area is visible from outside the same. No massage service or practice shall be carried on within any cubicle, room, booth or area within a massage establishment which is fitted with a door capable of being locked.
- (i) A massage establishment shall not carry on, engage in or conduct business on Sunday and on any other days shall not carry on, engage in or conduct business before 8:00 a.m. or after 11:00 p.m.
- (j) No alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of a massage establishment.
- (k) A full schedule of service rates shall be posted in a prominent place within the massage establishment in such a manner as to come to the attention of all patrons. No charges other than the specified rates for specified services are to be allowed with the patron being notified of the full cost prior to the rendering of any service.

#### **Sec. 14-108. Daily register.**

Every person who engages in or conducts a massage establishment shall keep a daily register, approved as to form by the director of health or his designate, of all patrons with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. Such daily register shall at all times during business hours be subject to inspection by health department officials and by the police department and shall be kept on file for one year.

#### **Sec. 14-109. Inspections.**

The police department and the health department shall from time to time, and at least twice a year, make an inspection of each massage establishment in the city for the purposes of determining that the provisions of this article are complied with. Such inspections shall be made at a reasonable time, in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

#### **Sec. 14-110. Applicability of regulations to existing businesses.**

- (a) Holders of any outstanding massage establishment permits heretofore issued under any provision of law are required to comply with all provisions of this article.
- (b) Applicants for a massagist's permit may substitute one year's continuous experience as a massagist in lieu of a requirement of a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method and work of massage is taught. Such massagist must obtain an affidavit attesting to such experience from the owner of the establishment where the continuous year of experience occurred. If, after diligent effort, the massagist is unable to obtain an affidavit from the owner, such massagist may submit an affidavit from a person who has firsthand knowledge of his or her continuous year of experience.

### **Sec. 14-111. Exemptions.**

This article does not apply to schools, hospitals, nursing homes, sanitariums or to Connecticut-licensed massage therapists, to persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Connecticut, or to persons working under the direction of any such person or in any such establishment.

(Ord. of 3-96)

### **Sec. 14-112. Rules and regulations.**

The director of health may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this article.

### **Sec. 14-113. Violation and penalty.**

Every person, except those persons who are specifically exempted by this article, whether acting as individuals, owners, employees of owners, operators or employees of the operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a license or permit, as required, and paying a fee to the city or shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to punishment as provided in section 1-15 of this Code.

Secs. 14-114--14-120. Reserved.

## **DIVISION 2. LICENSES AND PERMITS**

### **Sec. 14-121. Establishment license--Required.**

It shall be unlawful for any person to engage in, conduct or carry on or permit to be engaged in, conducted or carried on, in or upon any premise in the city, the operation of a massage establishment as defined in this article without first having obtained a license from the director of health.

### **Sec. 14-122. Same--Application; fee; contents.**

- (a) Any person seeking a license to operate a massage establishment or to become a licensed massagist shall make application to the director of health, and pay a filing fee of two hundred fifty dollars (\$250.00), which shall not be refundable.
- (b) The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be administered, proposed place of business and facilities therein and the name and address of each applicant.
- (c) In addition to the foregoing, any applicant for a license shall furnish the following information:
  - (1) Written proof that the applicant is at least eighteen (18) years of age.

- (2) Two (2) portrait photographs of at least two (2) inches by two (2) inches and fingerprints.
- (3) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.
- (4) Massage or similar business license history of the applicant; whether such person has previously operated in this or any other town, city or state under license; has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (5) Any criminal convictions, except minor traffic violations.

(Code 1970, § 12-21(3); Ord. of 9-78; Ord. of 5-79; Ord. of 4-90, § 8)

#### **Sec. 14-123. Same--Notice of hearing.**

When an application is filed for a massage establishment license under this division, the common council shall fix the time and place for a public hearing where the applicant may present evidence upon the question of his application. Not less than ten (10) days before the date of such hearing, the common council shall cause to be posted a notice of such hearing in a conspicuous place on the property in which or on which the proposed massage establishment is to be operated. The applicant shall maintain such notices posted for the required number of days.

#### **Sec. 14-124. Same--Facilities prerequisite to issuance.**

- (a) No license to conduct a massage establishment shall be issued unless an inspection by the director of health or his authorized representative reveals that the establishment complies with each of the following minimum requirements:
  - (1) Construction of rooms used for toilets, tubs, steam baths, and showers shall be waterproofed with approved waterproof materials.
  - (2) Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per section shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
  - (3) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.
- (b) The director of health shall certify that the proposed massage establishment complies with all the requirements of this section.

#### **Sec. 14-125. Same--Issuance.**

- (a) Upon certification by the director of licenses, permits, and inspections of compliance with all city zoning laws and building codes, and certification by the chief of police of submission of fingerprints and the subsequent background investigation, and certification by the director of health of compliance with all applicable health laws and regulations, the director of health shall issue a massage establishment license.
- (b) The director of health or his designate, in his discretion, may issue a license to any person convicted of a felony, an offense involving sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering if he finds that such conviction occurred at least three (3) years prior to the date of the application and the applicant has no subsequent convictions.

(Code 1970, § 12-21(3); Ord. of. 9-78; Ord. of 5-79)

#### **Sec. 14-126. Same--Transfer.**

No massage establishment license shall be transferable except with the written consent of the director of health; provided, however, that, upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of license.

#### **Sec. 14-127. Same--Revocation or suspension.**

- (a) A massage establishment license issued by the director of health or his designate shall be revoked or suspended after a public hearing before the common council where it appears that the permittee has been convicted of any offense specified in section 14-125(b).
- (b) The director of health or his designate, before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the charges against him and the opportunity for a public hearing before the common council at which time the licensee may present evidence bearing upon the question. In such cases the charges shall be specific and in writing.

#### **Sec. 14-128. Massagist's permit--Required; filing; fee.**

Any person, including an applicant for a massage establishment license, who engages in the practice of massage as defined in this article, shall file an application for a massagist's permit with the chief of police or his designate upon a form provided by the chief of police and shall pay a filing fee of twenty-five dollars (\$25.00) which shall not be refundable.

#### **Sec. 14-129. Same--Application; form; contents.**

The application for a massagist's permit shall contain the following:

- (1) Name and resident's address.
- (2) Social security number.
- (3) Two (2) portrait photographs of at least two (2) inches by two (2) inches.
- (4) Applicant's weight, height, color of hair and eyes, and fingerprints.



- (5) Written evidence that the applicant is at least eighteen (18) years of age.
- (6) Business, occupation or employment of the applicant for three (3) years immediately preceding the date of application.
- (7) Whether such person has ever been convicted of any crime except minor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
- (8) Name and address of the recognized school attended, the date attended, and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has successfully completed not less than seventy (70) hours of instruction.
- (9) Any masseur or masseuse so employed is required to present a certificate from a physician licensed to practice in the state stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within thirty (30) days prior to the submission of the application.

**Sec. 14-130. Same--Issuance.**

- (a) Upon certification by the director of licenses, permits, and inspections of compliance with all city zoning laws and building codes, and certification by the chief of police of submission of fingerprints and the subsequent background investigation, and certification by the director of health of compliance with all applicable health laws and regulations, the director of health shall issue a massagist's permit.
- (b) The director of health or his designate, in his discretion, may issue a permit to any person convicted of any of the crimes listed in section 14-125(b) of this division if he finds that such convictions occurred at least three (3) years prior to the date of application and the applicant has no subsequent convictions.

(Code 1970, 12-21(3); Ord. of 9-78; Ord. of 5-79)

**Sec. 14-131. Same--Revocation or suspension.**

- (a) A massagist's permit issued by the director of health or his designate shall be revoked or suspended after a public hearing before the common council where it appears that the massagist has been convicted of any offense enumerated in section 14-125(b).
- (b) The director of health or his designate, before revoking or suspending any massagist's permit, shall give the massagist at least ten (10) days' written notice of the examination into his conviction record and the opportunity for a public hearing before the common council at which hearing the director of health or his designate shall determine the relevant facts regarding the occurrence of the conviction.

Secs. 14-132--14-145. Reserved.

**ARTICLE VII. MERCHANTS**

## **Sec. 14-146. Definitions.**

As used in this article, the term "person, merchant or proprietor" shall mean and include principals, agents, partnerships and corporations, and all other forms of business, or other organizations, and the penal provisions hereof shall include and apply to officers of corporations. It shall not include or apply to farmers selling their own produce; commercial travelers or sales agents selling to dealers in the usual course of business; licensed peddlers, persons selling livestock, food articles, or food products; registered pharmacists, having a state license to operate a drug store; persons selling goods donated by the owners thereof, the proceeds of which to be applied exclusively to any charitable or philanthropic purpose; persons conducting judicial or other sales under legal proceedings; persons selling wholesale by sample for future delivery, or at circuses, carnivals, or at other places of business duly licensed by the city, or at branch locations of stores already lawfully operated in the city, provided, the branch is operated by exactly the same proprietor, without any addition or change in the ownership or management (other than such as may be caused by death), under the same name or trade name, and for the sale of the same general type of merchandise as such other or original store.

(Code 1970, § 14-4)

**Cross references:** Definitions and rules of construction generally, § 1-2.

## **Sec. 14-147. License required; fee; accompanying statement.**

No person shall enter into or begin business as a wholesale or retail merchant, except as hereinafter stated, and as such sell or exhibit for immediate sale, any goods, wares, or merchandise whatsoever in any building, or part thereof, railroad car, motor or other vehicle, open road, or other place or structure, in the city, without having paid the city clerk a license fee of twenty-five dollars (\$25.00), the receipt of which shall constitute the license, and which shall be exhibited to any official on request, and in addition shall file with the board of assessors a statement under oath, which shall be administered by the city clerk without charge, setting forth:

- (1) The full name and permanent home and business address of the proprietor of such proposed business, and of any local agent in charge thereof;
- (2) The full address at which such business is to be carried on in the city;
- (3) The nature of the business and date of the proposed commencement thereof and the length of time during which the same is proposed to be conducted;
- (4) The exact location and approximate value of any real estate owned by such proprietor.
- (5) The approximate value of the merchandise, fixtures and personal property owned by such proprietor;
- (6) The name of one bank with which such proprietor has dealt for a period of one year or more;
- (7) Whether such proprietor is an individual, partnership or corporation;
- (8) If a corporation, the state of incorporation and principal place of business.

(Code 1970, § 14-1.1; Ord. of 6-77)

Secs. 14-148, 14-149. Reserved.

**Editor's note:** An ordinance of Feb. 6, 1985, repealed sections 14-148, 14-149 and 14-151 of this Code, pertaining to bonds and derived from Code 1970, §§ 14-5, 14-6 and 14-8, and an ordinance of January, 1977.

#### **Sec. 14-150. Exemption--Denied.**

No person, who would otherwise be a transient wholesale or retail merchant, shall be exempted from the provisions of this article by reason of his being temporarily associated with any local dealer, merchant or auctioneer or by conducting a retail business in connection with, or as part of the business of, any such local person.

(Code 1970, § 14-7)

Sec. 14-151. Reserved.

**Note:** See the editor's note to §§ 14-148, 14-149.

Secs. 14-152--14-165. Reserved.

### **ARTICLE VIII. SELF-SERVICE LAUNDRIES**

#### **Sec. 14-166. Enforcement.**

The building inspector shall enforce the provisions of this article and may adopt such rules and regulations consistent with the provisions of this article as may be necessary to secure the intent and purposes hereof and to ensure proper enforcement. Copies of such rules and regulations shall be obtainable from the department of licenses and inspections upon request.

(Code 1970, § 7-48)

#### **Sec. 14-167. License--Required; attended premises excepted.**

No person shall engage in the business of operating, for the use of the general public, automatic self-service laundries which do not have an attendant on the premises during business hours, without first obtaining a license therefor from the building department and approved by the building inspector.

(Code 1970, § 7-49)

#### **Sec. 14-168. Same--Application; restriction on issuance.**

- (a) Every person required to be licensed under this article shall file with the building department a written sworn application signed by the applicant on blanks furnished by the building department and shall include the following information:

- (1) Name, business and residence address of the applicant.
  - (2) Location by street and number of the business on behalf of which the application is made.
  - (3) Such other information as the building inspector may deem reasonably necessary to effectuate the purposes of this article and to arrive at a fair determination of whether the provisions of this article have been complied with.
- (b) No building permit shall be issued to any inspector of the building department or to any inspector engaged in or connected with any building project without consent of the building commission.

(Code 1970, §§ 7-50, 7-50.1; Ord. of 2-74)

**Sec. 14-169. Same--To be issued without charge.**

The license required under this article shall be twenty-five dollars (\$25.00) per year.

(Code 1970, § 7-51; Ord. of 4-90, § 9)

**Sec. 14-170. Same--To be displayed.**

Any license issued under this article shall be prominently displayed on the licensed premises at all times.

(Code 1970, § 7-54)

**Sec. 14-171. Same--Revocation or suspension; notice; appeal.**

- (a) The building inspector may, for cause, revoke or suspend any license issued under this article after giving due notice thereof to the licensee. Notice shall be given in writing, setting forth specifically the grounds of complaint and shall be signed by the building inspector or his deputy. Such notice shall be served on the licensee as given on the application filed for such license.
- (b) Any person aggrieved by an order of the building inspector revoking or suspending a license issued under this article may file an appeal as provided herein.

(Code 1970, § 7-53)

**Sec. 14-172. Same--Expiration; renewal.**

Any license issued under this article shall expire on December thirty-first of each year. Such license may be renewed by the holder thereof upon the filing of any application with the building department in the same manner as required in the case of an original application.

(Code 1970, § 7-52)

**Sec. 14-173. Safety regulations generally.**

Businesses licensed under the provisions of this article shall be subject to the following rules and regulations:

- (1) *Compliance with technical codes.* All applicable provisions of the building, electrical, plumbing, heating and ventilating Codes and Fire Department regulations must be complied with.
- (2) *Unused electrical outlets to be covered.* All unused electrical outlets located in public areas must be disconnected or covered with plates.
- (3) *Vent flues.* Vent flues for gas-fired equipment must conform to the standards established by the American Gas Association.
- (4) *Lighting of public areas.* The area used by the public must be adequately lighted during business hours.
- (5) *View of public area to be unobstructed.* The area used by the public must not be obstructed to view from the outside.
- (6) *Water heating system.* The water heating system must be completely enclosed and locked to the general public.
- (7) *Telephones.* Public telephones shall be wall hung and may not be enclosed.
- (8) *Coin-operated music and amusement machines prohibited.* Coin-operated music and amusement machines may not be located within the licensed premises.
- (9) *Washing machines' backs.* Washing machines shall be installed so that their backs are not accessible to the general public.
- (10) *Drying machines' tops and backs.* Drying machines shall be installed so that their tops and backs are not accessible to the general public.
- (11) *Drying machine doors.* Drying machine doors shall be so equipped that they can be opened from the inside.
- (12) *Automatic stop for drying machines.* Drying machines shall be equipped with a device which will cause them to cease operating upon opening of their doors.
- (13) *Automatic stop for washing machines.* Washing machines installed after the ordinance from which this section was derived took effect shall be equipped with a device that causes them to cease operating upon the opening of their doors, or with safety locks on their doors so that they cannot be opened during the spin-dry cycle of the washing machine.
- (14) *Unaccompanied children.* Children under twelve (12) years of age shall not be permitted on the licensed premises unless accompanied by an adult and a sign to that effect shall be displayed in a prominent place on the licensed premises.
- (15) *"No Loitering" sign.* A "No Loitering" sign shall be prominently displayed in all licensed premises.

(Code 1970, § 7-55)

Secs. 14-174--14-185. Reserved.

## **ARTICLE IX. RESERVED\***

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**\*Editor's note:** An ordinance of March, 1995, repealed Ch. 14, Art. IX, §§ 14-186--14-197 which pertained to solicitations and donations.

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Secs. 14-186--14-210. Reserved.

## **ARTICLE X. ITINERANT VENDORS\***

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**\*Cross references:** Peddlers in public parks restricted, § 17-51.

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### **Sec. 14-211. Scope of article.**

- (a) The provisions of this article shall not apply to, sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to any sale of goods, wares or merchandise on the grounds of any incorporated agricultural society during the continuance of any annual fair held by such society.
- (b) No itinerant vendor shall be relieved or exempted from the provisions and requirements of this article by reason of associating himself temporarily with any local dealer, auctioneer, trader or merchant, or by conducting any temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader or merchant.

(Ord. of 5-83)

### **Sec. 14-212. Definitions.**

As used in this article:

*Itinerant vendor* shall mean any person, whether principal or agent, who engages in a temporary or transient business, either in one location or traveling from place to place, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies any building or structure in the city for the exhibition and sale of such goods, wares and merchandise.

*Peddler* shall mean any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle.

*Temporary or transient business* shall mean any exhibition and sale of goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place shall be open for business during usual business hours for a period of at least nine (9) months in each year.

(Ord. of 5-83)

**Cross references:** Definitions and rules of construction generally, § 1-2.

**Sec. 14-213. License--Required; exceptions.**

- (a) No itinerant vendor, except one exempt under the general statutes, shall sell or offer for sale in the city any goods, wares or merchandise, unless he has obtained a license to do so issued by the city police department.
- (b) No peddler, except one exempt under the general statutes, shall sell or offer for sale in the city any goods, wares or merchandise, unless he has obtained a license to do so issued by the city police department; provided, however, that no such peddler's license shall be required for sales by farmers and gardeners of the produce of their farms and gardens on their own premises or at public farmers' markets designated by the common council.

(Ord. of 5-83)

**Sec. 14-214. Same--Applications.**

- (a) Applicants for a license required by this article who are not residents of the state shall file their applications at least two (2) weeks prior to the effective date for the use of such license.
- (b) Applicants, when applying for such license, must show conclusive proof of possession of a state sales and use tax permit and a state vendor's permit.

(Ord. of 5-83)

**Sec. 14-215. Same--Testing of scales prerequisite to issuance.**

No license required by this article shall be issued to any person whose business requires, or who uses in his business, any measure, weight or scale, until such persons shall present to the chief of police a certificate from the sealer of weights and measures attesting that such measures, weights or scales have been tested by such sealer of weights and measures and found to be correct.

(Ord. of 5-83)

**Sec. 14-216. Same--Fees.**

The fee for a vendor's license under this article shall be two hundred fifty dollars (\$250.00) per year except that there shall be no fee for a license issued to vendors of toys, flags, foodstuffs, novelties, crafts and similar items for use and in connection with parades, bazaars, circuses and similar community events located within the city. Such license shall be for a period not to exceed five (5) days. Sales under such a license shall be limited to the route of the parade or the location of the bazaar, circus or similar community event. Such license shall expire upon the ending of the event.

(Ord. of 5-83)

**Sec. 14-217. Same--Not transferable.**

The license required by this article shall be issued in the name of the vendor only and shall not be transferable.

**Sec. 14-218. Same--Revocation.**

- (a) The license issued pursuant to this article may be revoked by the board of police commissioners of the city, after notice and hearing, for any of the following causes:
  - (1) Any fraud, misrepresentation or false statement contained in the application for license;
  - (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
  - (3) Any violation of this article;
  - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
  - (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing.

(Ord. of 5-83)

**Sec. 14-219. Same--Expiration.**

Unless sooner revoked, all licenses required by this section shall expire one year from the date of their issuance.

(Ord. of 5-83)

**Sec. 14-220. Hours of sale restricted; badges.**

- (a) Licensees under this article shall be licensed to do business only between the hours of 6:00 a.m. and 7:00 p.m.
- (b) Each licensee shall be issued a badge when granted a license which badge shall bear an identification number and shall be worn on the person at all times in a conspicuous place.

(Ord. of 5-83)

**Sec. 14-221. Regulation of use of vehicles.**

The common council may adopt rules and regulations for the parking and standing of any wagon, cart or vehicle while the same is being used in the selling or offering for sale of any goods, wares or merchandise on any street in the city. It shall be unlawful for any person to



violate any such rule or regulation.

(Ord. of 5-83)

**Sec. 14-222. Selling goods from vehicles prohibited in certain areas.**

- (a) No person shall sell or offer for sale merchandise, food or drinks of any kind or description from parked vehicles or mobile units on Main Street between North Street and Franklin Square or on Franklin Square from Main Street to Whiting Street or on any street which intersects Main Street or Franklin Square for a distance of three thousand (3,000) feet from the point at which such street intersects Main Street or Franklin Square except in connection with a parade, bazaar, circus, or similar community event for which a license has been issued.
- (b) No person shall sell or offer for sale merchandise of any kind or description, including, but not limited to, foodstuffs within three thousand (3,000) feet of any public, parochial or private school at the time of dismissal or for one-half ( 1/2) hour following dismissal.

(Ord. of 5-83; Ord. of 12-3-97)

**Sec. 14-223. Duty of police to enforce.**

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

(Ord. of 5-83)

Secs. 14-224--14-235. Reserved.

**ARTICLE XI. WEIGHTS AND MEASURES\***

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**\*State law references:** Standards of weights and measures, G.S. § 43-2; weights and measurements of specific articles, G.S. §§ 43-17--43-20; city sealer, G.S. § 43-6; sealer's power to arrest without a warrant, G.S. § 43-7.

**Charter references:** Sealer, § 2151; powers and duties of sealer, § 2152; penalties for short weight, § 2153.

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**Sec. 14-236. Use of false weights and measures prohibited.**

No person shall in the course of a sale of any article misrepresent the weight, measure or quantity of such article.

(Code 1970, § 24-1)

**Sec. 14-237. Sealer's right to enter and inspect.**

- (a) The sealer of weights and measures or his agent may enter any business premises at any reasonable hour to inspect any scales, weights or measures used on such premises.
- (b) The sealer may inspect the scales, weights or measures of any itinerant merchant or peddler in the city.

(Code 1970, § 24-2)

**Sec. 14-238. To be officially scaled or marked.**

No person shall use any weight or measure to ascertain the length, weight or quantity of any article to be sold by him which has not been marked or scaled by the sealer of weights and measures.

(Code 1970, § 24-3)

**State law references:** Dealers and repairers of weighing and measuring devices, G.S. §§ 43-46--43-52.

**Sec. 14-239. Inspection and tests of gasoline measuring devices authorized.**

The sealer of weights and measures shall inspect and test the accuracy of all measuring devices and accessories used in the sale of gasoline, kerosene, fuel, oils or similar substances as often as he deems necessary for the benefit of the public.

(Code 1970, § 24-4)

**Sec. 14-240. Measuring devices on gasoline pumps; daily tests.**

All persons using gasoline pumps or other automatic liquid measuring devices for the sale of gasoline and other volatile inflammable fluids, shall use standard measures in capacities of one and five (5) gallons duly sealed by the sealer of weights and measures for the purpose of making tests to ascertain whether the measuring device is delivering the correct quantity of liquid. A test of each pump or other measuring device shall be made by the seller before he makes the first sale each day.

(Code 1970, § 24-5)

**Sec. 14-241. Standard gallon as unit of measurement for gasoline sales.**

The standard gallon shall be the unit of measurement for all sales of gasoline, kerosene, fuel oils or similar substances sold or offered for sale for the purpose of creating power or heat.

(Code 1970, § 24-6)

**Sec. 14-242. Fuel deliveries; receipts; measuring instruments.**

- (a) *Quantities.* Any delivery of gasoline in excess of fifty (50) gallons and any delivery of kerosene, fuel oil or similar substance for domestic heating in excess of ten (10) gallons shall be accompanied by a delivery ticket made in duplicate and written in ink or other indelible substance giving the names of the purchaser and the seller and the quantity

delivered in gallons. One copy of the delivery ticket shall be retained by the seller and the other given to the purchaser.

- (b) *Sale at seller's premises.* If the buyer takes such fuel from the premises of the seller a delivery ticket stating the number of gallons purchased shall be given to the buyer.
- (c) *Measuring instruments.* The quantity of fuel delivered to any purchaser as described in paragraphs (a) and (b) of this section shall be measured by an instrument tested and approved by the sealer of weights and measures. Large quantities of fuel may be measured by the size of the compartment into which it is placed provided that such a compartment has been approved by the sealer of weights and measures, and its capacity in gallons is clearly written on its exterior.

(Code 1970, § 24-7)

#### **Sec. 14-243. Garage commission; gas and oil purchases to be measured.**

- (a) The sealer of weights and measures shall measure all gasoline and oil purchased by the city garage commission prior to delivery.
- (b) All contracts for the purchase of gasoline and oil by the city garage commission shall contain a provision requiring the sealer of weights and measures to measure the gasoline and oil as a condition precedent to payment.

(Code 1970, § 24-12)

#### **Sec. 14-244. Sealer to weigh coal on request; fees.**

- (a) *Request for weighing.* At the request of the purchaser, any person selling coal shall provide the weight thereof and shall cause the coal and the vehicle containing the same to be weighed by the sealer of weights and measures, and after delivery the vehicle shall be weighed again on the same scales.
- (b) *Certificate of weight and payment of fee.* The sealer of weights and measures shall then give the purchaser a certificate of the weight of such coal. If the certified weight is not less than twenty-five (25) pounds the weight previously given by such seller, the purchaser shall pay the weighing fees. If the certified weight is less than twenty-five (25) pounds, the weight previously given by such seller, then the weighing fees shall be paid by the seller.

(Code 1970, § 24-13; Ord. of 3-77)

### **ARTICLE XII. BAZAARS AND RAFFLES**

#### **Sec. 14-245. State law adopted.**

Pursuant to the provisions of section 7-171 of the general statutes, the city hereby adopts all the provisions of sections 7-170 to 7-186, inclusive, of the general statutes concerning bazaars and raffles.

(Ord. of 6-88)

**State law references:** Adoption of Bazaar and Raffle Law by city, G.S. § 7-171.

Secs. 14-246--14-254. Reserved.

### **ARTICLE XIII. DANCE HALLS\***

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**\*Editor's note:** An ordinance of Oct., 1988, § 4, added provisions designated as Article XII, § 14-245; in order to avoid duplication of article and section designations assigned by an ordinance of June, 1988, said provisions have been redesignated as Article XIII, § 14-255, at the editor's discretion.

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#### **Sec. 14-255. License required; fee.**

No person shall [operate a dance hall] without first obtaining a license [therefor] issued by the building inspector. Such license shall remain in effect for one year from the date of issuance. There shall be a license fee of fifty dollars (\$50.00) payable upon issuance of such license.

(Ord. of 10-88, § 4(14-245))

### **ARTICLE XIV. PUBLIC SWIMMING POOLS, WADING POOLS, WHIRLPOOLS, SPAS, DAYCARE CENTERS AND NONPUBLIC SCHOOLS**

#### **Sec. 14-256. License required; fee.**

- (a) No person shall operate a public swimming pool, a public wading pool or a public whirlpool or spa as defined in section 10-B-33b of the Regulations of the State of Connecticut Department of Health Services without first obtaining a license therefor issued by the director of health. Such license shall remain in effect for one (1) year from the date of issuance. The fee for such license shall be fifty dollars (\$50.00) for each such pool or spa.
- (b) The health department shall charge a fee for the following inspections:
  - (1) Day care centers -- \$60.00;
  - (2) Nonpublic schools inspections -- \$10.00 per structure.

(Ord of 4-90 § 10; Res. No. 28693-2, 8-18-05)

Secs. 14-257--14-259. Reserved.

### **ARTICLE XV. ADULT-ORIENTED ESTABLISHMENTS**

#### **Sec. 14-260. Declaration of policy.**

The Common Council of the City of New Britain, Connecticut finds:

- (a) The operation of "adult-oriented establishments" in the city requires special regulation and supervision by the city to protect, preserve and promote the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the city's citizens. Further, protecting order and morality, preserving the character and preventing the deterioration of the city's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.
- (b) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
  - (1) Large numbers of persons, primarily male, frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studies and rooms for the private viewing of so called "adult" motion pictures and/or video tapes and/or live entertainment.
  - (2) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in specified sexual activities.
  - (3) Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.
  - (4) Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths' cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes and/or with other persons and/or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine, or other bodily secretion to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.
  - (5) Booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle, studio or room. These so-called "glory holes" promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus and Hepatitis B, and other sexually transmitted diseases. Further, the existence of "glory holes" in booths, cubicles, studios and rooms at adult-oriented establishments provides an increased risk that blood, semen, urine, or other bodily secretion will be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who

may come into contact with such deposits.

- (6) Specified sexual activities often occur at unregulated adult-oriented establishments which provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of adult-oriented establishments and specifically include, "lap dancing," and/or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases which would be detrimental to the health of the patrons and employees of such adult-oriented establishments.
- (7) The unregulated operation of adult-oriented establishments is associated with an increase in the incidence of sex-related crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places.
- (8) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage prostitution, other sex-related crimes, anonymous, high-risk sexual contact and/or high risk unsanitary, sexual activity, excessive noise and property devaluation, thereby decreasing the incidence of communicable diseases and sex-related crimes, and thereby promoting and protecting the health, safety and welfare of the employees and the public who patronize such establishments, and protecting the health, safety and property interests of a city and its citizens.
- (c) The continued unregulated operation of adult-oriented establishments is and would be detrimental to the general welfare, health and safety of the citizens of New Britain.
- (d) The Constitution and laws of the State of Connecticut grant to the city powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments in order to protect the public health, safety and welfare.
- (e) It is not the intent of the common council, in enacting this article, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the common council to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, video-tapes, books and/or other materials. Further, by enacting this article, the common council does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

(Ord. of 9-10-97)

#### **Sec. 14-261. Definitions.**

For the purpose of this article, the following words and phrases shall mean:

- (a) *Adult bookstore or video store* means an establishment having twenty-five (25) percent or more of its floor area used for the display of books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, and in conjunction therewith has facilities for the presentation of adult entertainment, as defined herein, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.
- (b) *Adult cabaret* means an establishment such as, but not limited to, a nightclub, bar, restaurant, or similar establishment, whether or not alcoholic beverages are served, that regularly features live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", as defined herein, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.
- (c) *Adult entertainment* means and includes any exhibition of any adult-oriented motion picture, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers. It also includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons thereof.
- (d) *Adult material* means, but is not limited to, accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.
- (e) *Adult mini-motion picture theater* means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (f) *Adult motion picture theater* means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.
- (g) *Adult-oriented establishment* means, without limitation, "adult bookstores or video

stores", "adult motion picture theaters", "adult mini-motion picture theaters" and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

- (h) *Employee* means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- (i) *Entertainer* means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.
- (j) *Inspector* means the director of health, the chief of police, the fire marshal, their agent or representative, or any city employee designated to make inspections for health, fire, building safety, public safety, zoning purposes, violations of this article, or for violations of other laws and ordinances of the City of New Britain.
- (k) *Minor* shall be deemed to refer to a person under the age of seventeen (17) years.
- (l) *Operator* means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- (m) *Sexual activities*, as used in this article, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote twenty-five (25) per cent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any new periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.
- (n) *Specified anatomical areas* means:
  - (1) Less than completely and opaquely covered: a) human genitals, pubic region; b) buttock(s), anus; c) female breast(s) below a point immediately above the top of the areola; and
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.



- (o) *Specified sexual activities* means simulated or actual:
- (1) Showing of human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
  - (3) Fondling or erotic touching of human genitals, pubic region, buttock(s), anus or female breast(s);
  - (4) Lap dancing; and
  - (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4).

As used in these regulations, the term "specified sexual activities" is not intended to include any medical publications or films or bona fide educational publications or films, nor does it include any art or photography publications which devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which from time to time publish or show photography or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

(Ord. of 9-97; Ord. of 6-98, § 1)

#### **Sec. 14-262. Operating requirements for adult-oriented establishments.**

- (a) No licensee, operator or employee of an adult-oriented establishment shall perform or permit to be performed, offer to perform, or allow patrons to perform, any live performance or conduct featuring any of the "specified sexual activities" as defined in subsection 14-261(m).
- (b) No licensee, operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into, or in any way loiter in or on, any part of such establishment.
- (c) Every adult-oriented establishment doing business in the city on and after the effective date of this article shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be a violation of this article to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for any purpose in any way related to providing for the secluded viewing of adult-oriented motion pictures, or any other types of adult-oriented entertainment.
- (d) The licensee and operator of each adult-oriented establishment shall be responsible for

and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level. It shall be the duty of the operator and its agents to insure that the illumination described above is maintained at all times that any patron is present in the premises.

- (e) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee and operator as well, including any act or omission as a result of the operator's negligent failure to supervise the employee's conduct, and the licensee and operator shall be punishable for such act or omission in the same manner as if the licensee and operator committed the act or caused the omission.
- (f) The licensee and operator shall be responsible for the conduct of all employees while on the premises, including parking areas and all other portions of the property, and any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee and operator for purposes of determining whether the operating license shall be revoked, suspended or renewed and whether the licensee and operator shall be subject to the penalties imposed by this article.
- (g) All adult-oriented establishments shall be open to inspection by any inspector at all times the establishment is open for business.
- (h) No adult-oriented establishment shall open to do business before 10:00 a.m., Monday through Saturday; and no adult-oriented establishment shall remain open after 1:00 a.m. Tuesday through Saturday. No adult-oriented establishment shall be open for business after 2:00 a.m. on any Sunday or legal holiday as designated in C.G.S. § 14.
- (i) No person shall be employed in any adult live dancing establishment within three (3) years of conviction of any of the crimes specified in subsection 14-264(c)(9) below, unless such conviction has been submitted for appellate review; in which case, employment shall be continued until such appeal is sustained.

(Ord. of 9-97)

### **Sec. 14-263. License required.**

- (a) Except as provided in subsection (d) below, from and after the effective date of this article, it shall be unlawful for any person, partnership or corporation, to engage in, conduct, or carry on or permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult-oriented establishment without first obtaining a license to operate from the City of New Britain Chief of Police.
- (b) A license may be issued for only one adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult-oriented establishment must have a license for each.
- (c) It shall be a violation of this article for any entertainer, employee, owner, or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

- (d) All existing adult-oriented establishments at the time of the passage of this article must submit an application for license within sixty (60) days of the effective date of this article. If no application is filed within said sixty-day period, then such existing adult-oriented establishment shall cease operations.
- (e) Each license shall be specific to a licensee and to a location and may not be sold, assigned or transferred to any person, corporation or partnership in any way.

(Ord. of 9-97)

#### **Sec. 14-264. Application for license.**

- (a) Upon the effective date of this article, the operator of any adult-oriented establishment shall be responsible for and shall acquire a license from the chief of police, in accordance with this section.
- (b) The operator of each adult-oriented establishment shall submit an application in triplicate to the city clerk together with an application fee of one hundred twenty-five dollars (\$125.00) prior to the commencement of business or within sixty (60) days of the effective date of this article for any establishment already open for business. The city clerk shall date stamp all copies of the application and shall promptly deliver a copy of the application to the chief of police. The application shall be made upon a form prepared by the chief of police and disseminated by the city clerk. In instances where a corporation or a partnership is the applicant, the application shall be signed and filed by a person having direct control or management of the proposed adult-oriented establishment, or by an officer, director, majority shareholder, or majority partner of the corporation or partnership.
- (c) The applicant for a license shall furnish the following information:
  - (1) Name and address of the applicant, owner, operator, manager, and any other person having direct control or management of the adult-oriented establishment, including all aliases.
  - (2) Name and address of all employees, and any other persons directly involved in the operation of the adult-oriented establishment, including aliases.
  - (3) Written proof that the applicant is at least eighteen (18) years of age.
  - (4) The exact nature of the entertainment to be conducted at the adult-oriented establishment.
  - (5) The address of the adult-oriented establishment to be operated by the applicant.
  - (6) Adult-oriented entertainment or similar business license/permit history of the applicant, whether such person has previously operated in this or another municipality or state under license, or without license, has had any such license revoked or suspended, the reason therefor and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  - (7) If the application is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.

- (8) A statement by the applicant that he or she is familiar with the provisions of this article and is in compliance with them.
- (9) Any criminal convictions of the applicant, employees, operator, and other persons directly involved in the management or control of the adult-oriented establishment, to any crime involving moral turpitude, prostitution, obscenity, or other sex-related crime in any jurisdiction within three (3) years of the date of the filing of the application. Such crimes include, but are not limited to, prostitution, soliciting prostitution, promoting or permitting prostitution and sexual assault, in Connecticut being C.G.S. §§ 53a-82, § 53a-83, § 53a-83a (prostitution, soliciting a prostitute, soliciting a prostitute from a motor vehicle); C.G.S. §§ 53a-85, 53a-86, 53a-87, 53a-88, 53a-89 (promotion or permitting prostitution); C.G.S. §§ 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a (sexual assault).
- (d) If a license to operate is granted, the information furnished in the application shall be updated within thirty (30) days of any changes. Said update shall be filed at the office of the city clerk, who shall promptly forward such update to the chief of police.

(Ord. of 9-10-97)

#### **Sec. 14-265. Licensing procedure.**

- (a) No license shall be issued unless the chief of police has investigated the applicant's qualifications to be licensed. The investigation shall be conducted only to confirm the qualifications of the applicant and to inspect the premises for compliance with all laws and regulations. The results of the investigation shall be put in writing and filed with the city clerk and mailed to the applicant within ninety (90) days after the date the application was filed. Additionally, the premises of the adult-oriented establishment shall be inspected for compliance with the provisions of this article and all local and state codes and regulations including, but not limited to, health, fire, building, and zoning regulations. Said inspections shall be completed and a report issued to the chief of police within thirty (30) days of the filing of the application, and shall be included with the investigation results of the chief of police.
- (b) The chief of police shall issue to the applicant a license to operate an adult-oriented establishment within ninety (90) days from the date of the filing of an application if all requirements for an adult-oriented establishment described in this article are met, unless he finds;
  - (1) The operation as proposed by the applicant, if permitted, would not have complied with all applicable laws and regulations, including, but not limited to, the building, health, housing, zoning and fire codes of the city. If the premises are not in compliance, the applicant shall be advised of the reasons in writing and what, if any, measures the applicant can take to bring the premises into compliance for a license to issue.
  - (2) That the applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted in this or any other state of any of the crimes specified in subsection 14-264(c)(9), except those specified in subsection (3) below, within three (3) years of the date of the filing of the application.

- (3) That the applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted of any obscenity offense in violation of Connecticut General Statutes §§ 53a-194, 53a-196a, 53a-196b, or 53a-196c within two (2) years of the date of the filing of the application.
- (4) That the applicant previously violated this article within five (5) years immediately preceding the date of the filing of the application.
- (c) Any failure of the license to issue within ninety (90) days from the date of the filing of the application shall constitute a denial subject to appeal.
- (d) In the event that the adult-oriented entertainment establishment license is denied, one-half of the permit fee shall be retained by the city for expenses incurred in the investigation of the application.
- (e) Whenever an application is denied, the chief of police shall notify the applicant in writing within ninety (90) days of the date of the application, stating the reasons for such denial.
- (f) When an application is denied solely for reasons stated in subsection (b)(1), and such violation is correctable, the applicant shall be given an additional thirty (30) days from the date of such notification of denial to bring the premises into compliance. Upon verification by inspection that the correction has been made, which shall be determined no later than forty-eight (48) hours after receipt of written notice of corrections by the chief of police, a license shall be issued to the applicant so long as no new violations or other disqualifying factors have occurred within those thirty (30) days.
- (g) As a condition of the license, the premises shall be open to random inspection by an inspector for compliance with this article during all hours when the premises are open for business.
- (h) The license, if granted, shall state on its face the name and residence address for the person to whom it is granted, the expiration date, the address of the adult-oriented establishment, and the department or public official and telephone number to report any violation of this article. The license shall also include a notice that the subject premises are subject to random inspection by inspectors of the City of New Britain for compliance with this article.
- (i) The license shall be posted in a conspicuous place at or near the entrance to the adult-oriented establishment so that it may be easily read at any time.
- (j) No license shall issue if there are outstanding property taxes due the City of New Britain on the property on which the proposed adult-oriented establishment will be located.
- (k) Any adult-oriented establishment which was in operation prior to the effective date of this ordinance [ordinance enacted June 2, 1998] may continue to operate until a license is issued to it or until notice of the denial of an application is given to the establishment, in writing, as provided in subsection (e) of this section, provided that such establishment has submitted an application for a license.

(Ord. of 9-97; Ord. of 6-98)

#### **Sec. 14-266. Expiration and renewal of license.**

- (a) Each license issued to a qualified applicant shall expire one year from the date it is issued, unless it is renewed upon application of the licensee accompanied by payment of a one hundred twenty-five dollar (\$125.00) renewal fee. Such application and application fee shall be submitted by the licensee to the city clerk at least thirty (30) days before the expiration date, but not more than ninety (90) days. Provided the application is filed within thirty (30) days of its expiration date and the application fee paid, the license shall be renewed for the same licensee at the same location by the chief of police, unless the random inspection reports in the licensee's file reveal uncorrected violations of this article or uncorrected violations of health, fire or safety codes and regulations, of which the licensee has received written notice. A renewed license shall be mailed to the licensee by certified mail prior to the expiration date of the previous license. No establishment shall continue operations without a license, except in accordance with the provision of subsection (b) below.
- (b) In the event there are uncorrected violations of this article or uncorrected violations of health, fire or safety code and regulations, of which the renewal applicant has received written notice, the license renewal shall be delayed for a maximum of thirty (30) days in order for all corrections to be completed and inspections done to determine compliance. If such corrections of violations are not made by the applicant within the thirty (30) days beyond the expiration date, no license renewal will be issued. A notice of nonrenewal shall be mailed by the chief of police to the licensee by certified mail, within five (5) days after the extended thirty-day period, stating the reasons for the nonrenewal.
- (c) Notwithstanding, the provisions in subsection (b) above, in no instance shall a renewal be issued to a licensee that has had two (2) or more violations of subsection 14-262(a) of this article to which the licensee has received written notice, or one or more uncorrected violations of this article pending for over two (2) months. A written notice of such nonrenewal shall be mailed by the chief of police to the licensee by certified mail, prior to the expiration date of the license sought to be renewed, stating the reasons for the nonrenewal/revocation.
- (d) Should a license not be renewed for any violation provided herein, then no license shall issue for the same licensee for five (5) years.

(Ord. of 9-97)

#### **Sec. 14-267. Suspension and revocation of license.**

- (a) The chief of police, or his authorized representative, may suspend a license for a period not to exceed thirty (30) days upon his determination that a licensee, operator, or employee has violated any part of this article. Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If a suspension issues for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made, which shall be determined no later than forty-eight (48) hours after receipt of written notice of corrections by the chief of police.
- (b) The chief of police, or his authorized representative, shall revoke any license where any of the following occur:
  - (1) It is discovered that false or misleading information or data was given on any

application or material facts were omitted from any application for licensure;

- (2) Any cost or fee required to be paid by this article is not paid or is paid with a bank check drawn on an account with insufficient funds and returned to the city;
  - (3) A licensee is no longer qualified due to conviction of any crime specified in subsection 14-264(c)(9) herein;
  - (4) A licensee has had two (2) or more violations of subsections 14-262(a), (c), (d), or (h) of this article to which the licensee has received written notice;
  - (5) A licensee has one or more uncorrected violations of this article pending for over two (2) months;
  - (6) Failure of licensee to correct any violation within thirty (30) days for which licensee's license was suspended pursuant to this subsection (a);
  - (7) The license or any interest therein is transferred in any way;
  - (8) A licensee fails to comply with subsection 14-265(g).
- (c) Once revoked no license shall issue for the same licensee for five (5) years.
- (d) At least ten (10) days prior to the revocation of any license, the police chief shall send by certified mail written notice of the reasons underlying such revocation. Such notice shall notify the licensee of the opportunity to make written application for a public hearing before the chief of police and the director of health, at which time the licensee may present evidence bearing upon the question. In such cases, the reasons shall be specific and in writing. If the licensee makes written application for a hearing within five (5) days of receipt of the revocation notice, a hearing shall be scheduled to take place no later than fifteen (15) days from the date of the application for such hearing. A notice of hearing shall be posted not less than ten (10) days before the date of such hearing in a conspicuous place on the property of the adult-oriented establishment, immediately after such hearing, the chief of police and the director of health shall enter their vote to either sustain or overrule the revocation against the licensee. The revocation will be deemed overruled where the vote is evenly divided. Within five (5) days after such hearing, the chief of police shall issue a final written notice of revocation or a notice of dismissal of revocation to the licensee by certified mail. All operations of the adult-oriented establishment shall be maintained, pending the final decision issued by the chief of police.

(Ord. of 9-97)

### **Sec. 14-268. Appeal.**

- (a) Within five (5) days of receipt of notification of a denial, suspension, or nonrenewal of a license, the applicant/licensee may submit a written application to the city clerk requesting a public hearing before the chief of police and the director of health. At such hearing the applicant/licensee shall have the opportunity to present evidence bearing upon the question. If the applicant/licensee makes application for a hearing within five (5) days of notification of a denial, suspension, or nonrenewal, a hearing shall be scheduled to take place no later than fifteen (15) days from date of the application for such hearing. A notice of hearing shall be posted not less than ten (10) days before the date of such hearing in a conspicuous place on the property of the adult-oriented

establishment. Immediately after such hearing, the chief of police and the director of health shall enter their vote to either sustain or overrule the denial, suspension or nonrenewal. The denial, suspension or nonrenewal will be deemed overruled where the vote is evenly divided. Within five (5) days after such hearing, the chief of police shall issue written notice of a final decision, and issue any license or renewal of license where applicable. All operations of the adult-oriented establishment shall be maintained, pending the final decision being issued by the chief of police.

- (b) Any denial, nonrenewal, suspension or revocation of a license that is sustained in a written decision after a hearing as provided for in subsection 14-268(a) and subsection 14-267(d) shall be appealable to the Superior Court within fifteen (15) days of written notice thereof by any person aggrieved in accordance with the procedure established for zoning appeals by the Connecticut General Statutes. Any denial of renewal, suspension or revocation shall be stayed during the appeal unless otherwise ordered by the Superior Court.

(Ord. of 9-97)

#### **Sec. 14-269. Violations and penalties.**

- (a) Every person, partnership or corporation, whether acting as an individual, owner, operator, licensee, or employee of an adult-oriented establishment who operates, maintains or conducts an adult-oriented establishment without first obtaining a license and paying the applicable fee to the city, or who violates any of the provisions of this article, shall be fined a definite sum not exceeding one hundred dollars (\$100.00) for each such violation. Further, any violation of the provisions of this article shall subject the violator to arrest on a misdemeanor charge.
- (b) Each violation of this article shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.
- (c) This article shall not preclude any additional enforcement action taken by any appropriate city, state or federal official conducted pursuant to any applicable ordinance, regulation, and/or law of the City of New Britain and/or State of Connecticut, and/or the United States of America.

(Ord. of 9-97)

#### **Sec. 14-270. Enforcement.**

In addition to any fines or penalties imposed herein, this article may be enforced by injunctive procedure in the Superior Court.

(Ord. of 9-97)

#### **Sec. 14-271. Savings clause.**

Should any court of competent jurisdiction declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.



(Ord. of 9-97)

**Sec. 14-272. Miscellaneous.**

In construing this article, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa, and the plural of the singular and singular of the plural shall be substituted in any case in which the context may require.

(Ord. of 9-97)

**Sec. 14-273. Effective date.**

This article shall be effective immediately upon publication.

(Ord. of 9-97)

Secs. 14-274--14-299. Reserved.

**ARTICLE XVI. PROHIBITED BUSINESS PRACTICES**

**Sec. 14-300. Spray paint nozzles--Relevant definitions.**

*Separated spray paint nozzle* shall mean (1) any spray paint nozzle which is not attached to a spray paint can, whether said nozzle was detached from a spray paint can or is intended to be so attached or (2) any spray paint nozzle clearly intended for sale separate from a spray paint can.

*Spray paint nozzle* shall mean the component of a fully assembled spray paint can from which paint is discharged.

(Ord. of 11-00)

**Sec. 14-301. Same--Prohibited sales.**

It shall be unlawful for any business establishment in or operating within the city to sell or proffer for sale any separated spray paint nozzle. The owner of any business violating this section shall be assessed a fifty dollar (\$50.00) fine. For the purposes of this section, each separated spray paint nozzle sold or proffered or advertised as any design for use in graffiti shall be considered as a separate count.

(Ord. of 11-00)

**Cross references:** City antiblight program, § 7-40 et seq.; antigraffiti procedures, § 7-60 et seq.; removal of graffiti from public places and property, § 21-235 et seq.

Secs. 14-302--14-380. Reserved.

**ARTICLE XVII. NEW BRITAIN TATTOOING/PIERCING CODE\***

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**\*Editor's note:** An ordinance adopted Jan. 3, 2001, amended the Code by adding provisions designed as Ch. 14, Art. XVI and numbered as §§ 14-281--14-292. Since an ordinance enacted Nov. 1, 2000, had already established provisions designated as Art. XVI, §§ 14-300 and 14-301, the editor, at his discretion, has renumbered these new provisions as §§ 14-381--14-392 in order to avoid confusion.

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## **Sec. 14-381. Definitions.**

For the purpose of these regulations:

- 1.1. *Advanced practice registered nurse* means a person licensed to perform advanced level nursing practice activities pursuant to subsection (b) of section 20-87a of the Connecticut General Statutes.
- 1.2. *Aftercare* means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 1.3. *Authorized agent* means an employee of the New Britain Health District designated by the director of health to enforce provisions of these regulations.
- 1.4. *Bloodborne pathogens* means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Human Immunodeficiency Virus (HIV).
- 1.5. *Contaminated* means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- 1.6. *Department* means the New Britain Health Department.
- 1.7. *Director of health* means the director of health for the City of New Britain.
- 1.8. *Disinfected* means the destruction of pathogenic agents by chemical and physical means.
- 1.9. *Exposure incident* means contact between blood or other potentially infectious materials with the eye, mouth, or other mucous membrane, nonintact skin or other parenteral contact.
- 1.10. *Hot water* means water which is at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- 1.11. *Infectious waste* means waste generated in the treatment or service of a human which falls under one or more of the following categories:
  - (a) Pathological wastes are human pathological wastes, including tissues that are removed during medical procedures.
  - (b) Human blood and bodily fluid waste including liquid waste, human blood, or blood products, items saturated, or dripping with blood or caked with dried human blood.

- 1.12. *Osteopathic physician* means a person licensed to practice osteopathy pursuant to chapter 371 of the Connecticut General Statutes.
- 1.13. *Parenteral* means piercing mucous membranes or the skin barrier through such events as needlesticks, cuts or abrasions.
- 1.14. *Physician* means a person licensed to practice medicine and surgery pursuant to chapter 370 of the Connecticut General Statutes.
- 1.15. *Physician assistant* means a person licensed [pursuant] to section 20-12b of the Connecticut General Statutes.
- 1.16. *Registered nurse* means a person licensed to practice nursing pursuant to subsection (a) of section 20-87a of the Connecticut General Statutes.
- 1.17. *Regulated waste* means liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.
- 1.18. *Sterilization* means the process of destruction of all forms of microbial life by physical or chemical means.
- 1.19. *Tattoo* means indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.
- 1.20. *Tattooing* means the process by which the skin is marked or colored by the insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.
- 1.21. *Tattoo artist* means any person applying a tattoo.
- 1.22. *Tattoo establishment* means any room or space where tattooing is practiced or where the business of tattooing is conducted or [on] any part thereof.
- 1.23. *Temporary tattoo establishment* means a tattoo establishment that operates at a fixed location for a period of time of not more than seventy-two (72) consecutive hours in conjunction with a single event, celebration or festival at an established locale.
- 1.24. *Universal precautions* is an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human immunodeficiency Virus (HIV) and other bloodborne pathogens.

(Ord. of 1-01)

#### **Sec. 14-382. Infections.**

- 2.1. The director of health or authorized agent shall inspect each tattoo establishment at least once every three (3) months and shall make as many inspections or reinspection as deemed necessary, for the enforcement of these regulations.

- 2.2. The director of health or authorized agent, after proper identification, shall be permitted to enter, at any reasonable time, any tattoo establishment for the purpose of making an inspection to determine compliance with these regulations.
- 2.3. The director of health or authorized agent shall be permitted to examine records of the establishment, to obtain information pertaining to persons tattooed and/or pierced and equipment, but not including financial records. There shall be a person knowledgeable of these records in the establishment during all hours of operation.
- 2.4. Whenever the director of health or authorized agent conducts an inspection of a tattoo establishment, the department's findings shall be recorded on an inspection report form provided for this purpose, and a copy of such inspection report shall be furnished to the permit holder or person in charge.
- 2.5. Whenever the director of health or authorized agent conducts an inspection and observes that any of the requirements of these regulations have been violated, the director of health or authorized agent shall notify the permit holder or person in charge of such violations by means of the inspection report form or other written notice. Such notification shall include the specific violations(s) observed and a reasonable period of time for the correction of the observed violation(s).
- 2.6. The director of health or authorized agent may, upon written notice to the permit holder or person in charge, place an embargo on any item, substance or equipment that is determined to be or is believed associated with the cause of illness or infection. It shall be considered unlawful to remove or alter such embargo without the permission of the department, except by order of a court of competent jurisdiction.

(Ord. of 1-01)

### **Sec. 14-383. Establishment requirements.**

#### **3.1. *Plan review and submission:***

- (a) When a tattoo or body piercing establishment is constructed or remodeled, plans drawn in a minimum 1/4-inch scale and specifications for construction must be submitted along with tattoo/body piercing establishment license application to the department for approval.
- (b) The plans must include, but are not limited to: description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.
- (c) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors, walls and ceilings.
- (d) All plans must be approved by this department prior to construction of the tattoo establishment.

#### **3.2. *Equipment:***

- (a) The chair, seat or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable and nonabsorbent.
- (b) All chairs, seats, or tables must be cleansed prior to use by the next client.

- (c) All equipment shall be maintained in good repair.

3.3. *Toilet facilities:*

- (a) All tattoo/piercing establishments shall provide an adequate toilet facility for the employees and comply with all applicable statutes, ordinances and regulations.
- (b) Toilet fixtures shall be sanitary and easily cleanable.
- (c) Toilet facilities including rooms and fixtures shall be kept in a clean condition and in good repair.
- (d) Antibacterial liquid soap, toilet paper, and single-use, disposable paper towels shall be provided at each handwash sink in each toilet room.

3.4. *Handwashing:*

- (a) Each workstation in the tattoo/piercing establishment shall have an handwashing sink for the exclusive use of the tattoo artist for the purpose of washing his or her hands and prepping clients.
- (b) At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.

3.5. *Refuse and refuse containers:*

- (a) All garbage and rubbish shall be kept in leakproof, nonabsorbent, easily cleanable, covered containers which must be kept clean.
- (b) Refuse containers inside the establishment shall be operated by a foot pedal.
- (c) All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a public health nuisance.
- (d) Infectious wastes shall be disposed of in compliance with the regulated and infectious waste requirements of these regulations.

3.6. *Regulated and infectious waste:*

- (a) All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods.
- (b) All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container.
- (c) A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the tattoo establishment license.

3.7. *Toxic items:*

- (a) Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the body piercing establishment. These materials shall be labeled and stored in such a manner as to not constitute a hazards to clients, employees or equipment.

3.8. *Miscellaneous items:*

- (a) Only articles deemed necessary for the routine operation and maintenance of the

tattoo establishment shall be permitted in the body-piercing establishment.

- (b) No live animals shall be kept or allowed in the tattoo establishment except guide dogs that accompany physically disabled person(s) may be permitted.
- (c) Adequate facilities shall be provided for the storage of employees' clothing and personal belongings. The storage shall not be located in the work areas.

(Ord. of 1-01)

## **Sec. 14-384. Certification and licensure.**

### **4.1. *Bloodborne pathogen certification:***

- (a) In accordance with the Connecticut General Statutes, section 19a-92a, no person shall engage in tattooing except a physician, an osteopathic physician, an advanced practiced registered nurse rendering service under the direction of a physician or osteopathic physician, a registered nurse rendering service under the supervision, control and responsibility of a physician or osteopathic physician, a physician assistant rendering service under the supervision, control and responsibility of a physician, or a technician rendering service under the supervision of a physician or osteopathic physician in accordance with regulations adopted by the department of public health.
- (b) Physician duties shall include one inspection every three (3) months with or without notice. During inspection the physician shall review records and operating procedures, ensure that appropriate sterile techniques are utilized and patient safety is in compliance.
- (c) No person shall practice the art of tattooing or body piercing in the City of New Britain without first obtaining a bloodborne pathogen certificate from the department. This certificate will be presented upon completion of The New Britain Health Department's Bloodborne Pathogen and Universal Precaution Seminar or through equivalent training such as, "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/course provided by professional body art organization or associations or by equipment manufacturers may also be submitted to the department for approval.
- (d) After successful completion of subsection (c) above, the tattoo artist/body-piercer shall receive a tattoo artist bloodborne pathogen certificate from the department which will be valid for one year from the date issued.
- (e) In order to renew the bloodborne pathogen certificate, the tattoo artist/body piercer shall attend the New Britain Health Department's Bloodborne Pathogen and Universal Precaution Seminar on an annual basis.
- (f) The fee for the bloodborne pathogen certificate shall be a reasonable amount set by the New Britain Board of Health. The fee shall be paid in full before the certificate is issued.
- (g) Each applicant shall provide the department with the following information in order to be issued a certificate: name, home address and home phone number of applicant and location of the tattoo establishment where he or she is employed.

- (h) The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons.
- (i) The bloodborne pathogen certificate is not transferable between persons.
- (j) The department reserves the right to waive the bloodborne pathogen certification requirement if the applicant has completed an equivalent bloodborne pathogen course which is approved by the department. The applicant must submit name, date and location of the course, contact person for course administration, course outline and certificate of completion to the department for approval.
- (k) Each tattoo artist shall provide the department with the proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Concerning Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physicians Assistants and Technicians Engaging in Tattooing.

Section 19a-92a-1 requires the following documentation:

- Annual review of the registered nurse's knowledge and clinical competence.
- Annual review of the technician's knowledge and clinical competence.
- On-site inspection of the technician's site of practice to ensure that appropriate sanitary procedures are in place.

4.2. *Tattoo/body piercing establishment licensure:*

- (a) No person or person(s) shall operate a tattooing and/or body piercing establishment until a tattoo/body piercing establishment license from the department has been issued.
- (b) The tattoo/body piercing establishment license shall be issued by the department prior to opening of the establishment and thereafter on an annual basis.
- (c) The fee for the tattoo/body piercing establishment license shall be a reasonable amount set by the department.
- (d) In order to receive the tattoo/body piercing establishment license, the establishment shall meet the tattoo establishment requirements of these regulations.
- (e) Each applicant shall provide the department with the following information: name(s) of owner(s), establishment name, proposed hours of operation, names of all employees and their exact duties, complete description of services provided, exact inventory of equipment to be utilized in the tattoo procedure, name of manufacturers and names and addresses of all suppliers of all tattoo equipment and supplies, a copy of the written aftercare instructions given to each client and a copy of the informed consent that each client must sign.
- (f) The tattoo/body piercing establishment license shall not be transferable between persons, places or other establishments.
- (g) The tattoo/body piercing establishment license shall be displayed in a prominent location within the establishment where it can be observed by patrons.
- (h) The tattoo/body piercing establishment shall provide the department with the

proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physician Assistants and Technicians Engaging in Tattooing.

- (i) The body piercing establishment certificate may be revoked when, in the opinion of the director of health or authorized agent, unsanitary or other conditions that constitute an immediate hazard to the public health exist.

4.3. *Temporary tattoo/body piercing establishments:*

- (a) Temporary tattoo establishment shall provide the department with the proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physician Assistants and Technicians Engaging in Tattooing.
- (b) Tattoo artist working at a temporary tattoo/body piercing establishment shall meet the requirements of the tattoo artist bloodborne pathogens certification under the department's tattoo code.
- (c) The temporary tattoo/body piercing establishment shall meet the requirements of the tattoo establishment licensure under the department's tattoo code.
- (d) One person, business or corporation may not receive more than more than four (4) temporary tattoo establishment licenses each calendar year.

(Ord. of 1-01)

**Sec. 14-385. Client records.**

- 5.1. Each tattoo/body piercing artist shall keep permanent records for a minimum of two (2) years for each client which shall consist of the following: the name, address and telephone number of the client, the time and date the tattoo and/or the body piercing was applied, a photocopy that certifies the person is at least eighteen (18) years of age, a description of the tattoo and/or body piercing, the area of the body tattooed and/or pierced, a photocopy of the written aftercare instructions of the tattoo and/or body piercing and a release form signed by the client that these records are accurate. Records shall be made available to the department upon request.
- 5.2. The operator or technician shall ask each client for the [following] information so that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure:
  - (a) Diabetes;
  - (b) History of hemophilia (bleeding);
  - (c) History of skin diseases, skin lesions, skin sensitivities to soaps, disinfectants, etc.;
  - (d) History of allergies or adverse reactions to pigments, dyes, latex, or other skin sensitivities;
  - (e) History of epilepsy, seizures, fainting, or narcolepsy;
  - (f) Use of medications such as anticoagulants, which thin the blood and/or interfere



with blood clotting.

- 5.3. No person shall tattoo or pierce the body of an unemancipated minor under eighteen (18) years of age without parental or guardian presence and consent, i.e. signature. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the tattoo artist. A photocopy of the photographic identification shall be included in the client's permanent records.
- 5.4. The client shall sign an informed consent waiver. A photocopy of this waiver must remain as part of the client's permanent record. The informed consent waiver shall be approved by the department prior to the issuance of a tattoo establishment license. The informed consent waiver shall include, but is not limited to, the following information: nature of the procedure, reasonably foreseeable risks of the procedure, description of the equipment utilized in the procedure and sterilization techniques, explanation of the tattoo removal procedure. The client shall have the opportunity to ask questions and understand the contents of the informed consent to his/her satisfaction.
- 5.5. All records and signatures shall be written in ink.

(Ord. of 1-01)

## **Sec. 14-386. Tattoo procedures.**

### **6.1. *Skin preparation:***

- (a) Only intact and health skin shall be tattooed.
- (b) The area of the skin to be tattooed shall first be washed with an antibacterial soap and hot water.
- (c) If the area where the tattoo is to be placed must be shaved, only safety razors with single-use blades shall be used.
- (e) The use of styptic pencils and alum blockers is prohibited.
- (f) Any petroleum jelly or antiseptic ointment applied to the area shaved shall be applied to skin with a clean utensil or sterilized single-use, collapsible metal or plastic tubes.

### **6.2. *Tattoo artist's responsibilities:***

- (a) Prior to starting the tattoo, and as often thereafter as may be necessary, the tattoo artist shall wash his or her hands and any exposed areas of the arms by lathering with an antibacterial soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single-use disposable paper towel.
- (b) Disposable, single-use, examination gloves shall be worn for any procedure involving contact with the client's skin, hair and other body tissue. The gloves shall be changed whenever necessary to prevent contamination.
- (c) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use, disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste.
- (d) The tattoo artist shall keep his or her fingernails clean.

- (e) Excessive jewelry or cosmetics that may interfere with handwashing shall not be worn by the tattoo artist.
- (f) Outer garments worn by the tattoo artist shall be clean.
- (g) The use of tobacco, by either the client or tattoo artist, while engaged in the act of tattooing is prohibited. The use of tobacco shall be limited to areas physically removed from the tattoo work areas.
- (h) The consumption of food or drink, by either the client or tattoo artist, while engaged in the act of tattooing is prohibited. The consumption of food or drink shall be limited to areas physically removed from the tattoo work areas.

6.3. *Dyes and stencils:*

- (a) Only single-use and sterile stencils shall be used. Multi-use stencils are prohibited.
- (b) Only nontoxic, sterile dyes shall be used. Dyes and inks shall not be adulterated and only used in accordance with the manufacturer's guidelines.
- (c) For each client, dyes shall be transferred to a clean, single-service container.
- (d) If excessive dye must be removed from the skin, then only single-use tissues or sterile gauze shall be used.
- (e) Any unused dye shall be discarded after each client.
- (f) A list of dyes by manufacturer shall be submitted to the department. If new manufacturer is to be used, the tattoo establishment shall notify the department in writing with an updated list of manufacturers.

6.4. *Needles and attachments:*

- (a) All needles and needle bars shall be single-use only.
- (b) All needles and needle bars shall be sterilized prior to use.
- (c) To resist temptation to reuse needles, a minimum of twenty-five (25) ready to use, sterilized needles shall be provided at all times on site.
- (d) Only lead-free solder shall be used in conjunction with needles and needle bars.
- (e) Needle tubes shall be single use; however, surgical stainless tubes may be used provided they are sterilized prior to each client.
- (f) After use on each client, the needle shall be disposed of in accordance with these regulations.
- (g) All equipment used in the tattoo process shall be designated to be nontoxic, easy to clean, nonabsorbent and corrosion resistant. Additionally, all equipment shall be sterilized and stored in accordance with these regulations.

6.5. *Sterilization:*

- (a) In every tattoo establishment a steam sterilizer (autoclave) which meets the requirements of the United States Food and Drug Administration shall be provided. Chemical sterilizers or alternate method of sterilization may only be

used upon prior approval from the department.

- (b) In every tattoo establishment an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment shall be provided.
- (c) All equipment to be sterilized shall be cleansed in the ultrasonic cleaner according to the manufacturer's recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturer's recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) minimum pounds pressure at a minimum temperature of two hundred fifty (250) degrees Fahrenheit. A temperature-sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.
- (d) A test using a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The department must be notified within forty-eight (48) hours of receipt of test that indicates nonsterile conditions.
- (e) After sterilization, all packages containing sterilized needles shall be stored in a sanitary manner.
- (f) Packages shall be dated with the month, day and year of sterilization. Sterilized equipment shall be used within eight (8) months of the sterilization date.
- (g) All equipment shall remain in the sterilized packages until the time of the tattoo. These packages shall be opened in front of the client to be tattooed. When opening the package and assembling the equipment, the tattoo artist shall wear gloves that meet the requirements of these regulations.
- (h) All needles and equipment shall be stored and handled in a way that will prevent contamination.

6.6. *Aftercare of tattoo:*

- (a) After completion of the tattoo, the area of skin tattooed shall be washed with a hospital grade germicidal solution or a seventy (70) percent alcohol solution from a single-service container or applied with single-use applicators.
- (b) After air drying, the tattooed area shall have petroleum jelly or antibacterial ointment applied using a sterilize gauze in a manner to prevent contamination of the original container and its contents. A sterilize gauze shall be applied to the tattooed area and affixed with adhesive tape.

(Ord. of 1-01)

**Sec. 14-387. Body piercing procedures.**

7.1. *Skin preparation:*

- (a) Only healthy, intact body parts may be pierced.
- (b) If shaving of the skin is required, only single-use razors shall be used. New

razors for each client shall be used and disposed of after each use.

- (c) The area of skin to be pierced shall first be washed with an antibacterial soap and hot water. The skin must be prepared for not less than forty five (45) seconds with a povidone-iodine solution prior to all piercing. A seventy (70) percent alcohol solution, applied for ninety (90) seconds, may be used as an alternative for clients sensitive to povidone-iodine.
- (d) All solutions applied to the skin shall be allowed to air dry.
- (e) Prior to all oral piercing, the client must rinse with an antibacterial mouthwash for at least sixty (60) seconds.
- (f) All preparation solutions shall be applied in a sanitary manner. All cotton balls, swabs or other applicators shall be single use.
- (g) Only single-use toothpicks may be used for marking in oral piercing.
- (h) The use of styptic pencils and alum blockers is prohibited.
- (i) Medical grade anticoagulants may be used but must first be approved by the department.

7.2. *Jewelry requirements:*

- (a) Jewelry to be placed in the client must be corrosion resistant, free of scratches and designed for use in body piercing. Metal plated jewelry is prohibited.
- (b) All jewelry shall be sterilized, by either the manufacturer or the body piercing establishment, prior to use on the client.
- (c) After sterilization, all packages containing jewelry shall be kept in a sanitary manner.
- (d) Jewelry previously worn by a person other than the client shall be sterilized prior to use.

7.3. *Body piercing needles and equipment:*

- (a) Ear piercing guns are prohibited for use.
- (b) All body piercing needles are for single use only and shall be sterilized prior to use.
- (c) To resist temptation to reuse needles, a minimum inventory of twenty-five (25) ready to use sterilized needles shall be provided at the body piercing establishments at all times.
- (d) After each use the piercing needle shall be disposed of in accordance with the regulated and infectious waste requirement of these regulations.
- (e) All instruments to be used during the body piercing procedure which will come in contact with a body or bodily fluids must be sterilized and kept in a sterile manner prior to use.
- (f) Corks, rubber bands and other items that cannot be sterilized must be kept in a sanitary manner prior to use and be single use only.

7.4. *Body piercer's responsibilities:*

- (a) Prior to the body piercing procedure, the body piercer shall wash his or her hands and any exposed areas of the arms by lathering with an antibacterial soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single-use, disposable towel.
- (b) Sterile technique shall be practiced throughout the body piercing procedure.
- (c) Disposable, single-use, sterile examination gloves shall be worn throughout the body piercing procedure.
- (d) Gloves shall be changed if they become contaminated during the piercing.
- (e) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use, disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste.
- (f) The body piercer shall keep his or her fingernails clean.
- (g) Outer garments worn by the body piercer shall be kept clean.
- (h) The use of tobacco in the work area by either the body piercer or client is prohibited. The use of tobacco shall be limited to areas physically removed from the work area.
- (i) The consumption of food or drink, by either the body piercer or client while in the work area is prohibited. The consumption of food or drink shall be limited to areas physically removed from the work area.

7.5. *Sterilization:*

- (a) In every body-piercing establishment a steam sterilizer autoclave which meets the requirements of the United States Food and Drug Administration shall be provided. Chemical sterilizers or alternate methods of sterilization may only be used upon prior approval from the department.
- (b) In every body piercing establishment an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment shall be provided.
- (c) All equipment to be sterilized must be cleansed in the ultrasonic cleaner according to the manufacturers' recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturers' recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) pounds pressure at a minimum temperatures of two hundred fifty (250) degrees Fahrenheit. A temperature-sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.
- (d) A test with a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The department must be notified within forty-eight (48) hours of receipt of test that

indicates nonsterile conditions.

- (e) Packages shall be dated with the month, day and year they were sterilized. Sterilized equipment shall be used within eight (8) months of the sterilization date.
- (f) All equipment shall remain in the sterilized packages until the time of the body piercing. All packages containing sterilized equipment must be opened, and handled with sterile technique. These packages shall be opened in front of the client.

7.6. *Aftercare of the piercing:*

- (a) Prior to commencing, the body piercer shall explain and provide written instructions of the aftercare to each client. The body piercer shall review aftercare instructions upon completion of the piercing.
- (b) The body piercer shall inform clients that latex barriers are recommended whenever the client will be placing their piercing into the body or bodily fluids of another person.

(Ord. of 1-01)

**Sec. 14-388. Needlesticks.**

- 8.1. Each tattoo/body piercing establishment shall have a written protocol for needlestick accidents. This protocol shall include, but is not limited to, treatment of the area and reporting the needlestick to the department for further evaluation.
- 8.2. This written protocol shall be submitted for approval to the department at the time of application for the body piercing establishment license.

(Ord. of 1-01)

**Sec. 14-389. Prohibitions.**

The following acts are prohibited:

- 9.1. It is prohibited to perform body art on any body part of person under the age of eighteen (18) without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. Photographic identification of the parent or legal guardian is required.
- 9.2. It is prohibited to perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs.
- 9.3. It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining the necessary permits and approvals from the department, unless specifically exempted by this code.
- 9.4. It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.

(Ord. of 1-01)

## **Sec. 14-390. Penalties.**

### **10.1. *Revocation:***

- (a) The director of health may revoke the license of any person for serious or repeated violations of the provisions of this code. Written notice of intent to revoke the license, setting forth the violation(s), shall be delivered to the licensee at his/her establishment five (5) days prior to such revocation. The licensee may file a request for a hearing with the director of health within forty-eight hours (48) of receiving notice of intent to revoke the license. A license may be suspended for cause pending its revocation or a hearing relative hereto.
- (b) The director of health may suspend the license of any person, establishment or temporary tattoo/body piercing event in the event of an emergency endangering the public health or failure of the holder to comply with the requirements of this article. The license holder or operator shall be notified in writing that the license is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director of health by the license holder within two (2) business days.
- (c) If the department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the department may do any or all of the following:
  - a. Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the department determines there is no further risk to public health.
  - b. Issue an order to immediately suspend the permit of the licensed establishment until the department determines there is no further risk to the public health. Such an order shall state the cause for the action.
- (d) Violations of any provisions of this article shall be subject to a fine of not more than ninety dollars (\$90.00).
- (e) Hearings provided for by this article shall be conducted by the director at a time and place designated by the director. Hearings will be conducted within five (5) days of receipt of a request for same. A written report of the hearing decision shall be furnished to the license holder by the director of health.
- (f) A suspended license will be reinstated when an inspection made by the department reveals that the conditions causing suspension of the license have been corrected. The inspection will be conducted within forty-eight (48) hours of a receipt for same from the licensee.

(Ord. of 1-01; Ord. No. 28269-2, 11-18-04)

## **Sec. 14-391. Unconstitutionality clause.**

- 11.1. Should any section, paragraph, sentence, clause, or phrase of this code be declared unconstitutional or invalid for any reason, the remainder of said code shall not be affected thereby.

## **Sec. 14-392. Effective date.**

- 12.1. This code becomes effective on passage.
- 12.2. A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the body piercing establishment license.

(Ord. of 1-01)

## **Chapter 15 MOTOR VEHICLES AND TRAFFIC\***

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**\*Cross references:** General penalty for Code violations, § 1-15; emergency power of mayor to stop traffic, § 2-346; placing commercial and noncommercial handbills on vehicles restricted, § 3-3; advertising vehicles prohibited, § 3-10; throwing litter from vehicles prohibited, § 11-34; truck loads causing litter, § 11-35; vehicles used for hauling trash, § 11-57; offenses and miscellaneous provisions, Ch. 16; traffic regulations in parks, § 17-41; police, Ch. 20; streets, sidewalks and public places, Ch. 21; vehicles for hire, Ch. 24.

**State law references:** Authority to regulate traffic generally, G.S. § 7-148(c)(7)(B)(ii); authority restricted, G.S. § 14-162.

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- Art. I. In General, §§ 15-1--15-25
- Art. II. Traffic Committee, §§ 15-26--15-40
- Art. III. Disposition of Abandoned Vehicles, §§ 15-41--15-65
- Art. IV. Stopping, Standing and Parking, §§ 15-66--15-135
  - Div. 1. Generally, §§ 15-66--15-86
  - Div. 2. Parking Commission, §§ 15-87--15-100
  - Div. 3. Handicapped Parking, §§ 15-101--15-115
  - Div. 4. Snow Emergency Restrictions, §§ 15-116--15-135
- Art. V. Motorcycles, Mopeds and All Terrain Vehicles, §§ 15-136--15-139
- Art. VI. Procedure for Enforcement of Municipal Parking Ordinance for Operable Motor Vehicles, §§ 15-140--15-146
- Art. VII. Motor Scooters, Minibikes, Pocket Bikes, Bicycles With Helper Motors, §§ 15-147, 15-148

## **ARTICLE I. IN GENERAL**

### **Sec. 15-1. Definitions.**

As used in this chapter:

*Emergency repair* shall mean any minor repair necessary to reinstate a temporarily disabled vehicle to operable condition.

*Operator* shall mean the person operating or in control of a vehicle.